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May 16, 2011

VIA E-MAIL AND U.S. MAIL

Crystal Spurr
Staff Environmental Scientist
California State Lands Commission
100 Howe Avenue, Suite 100-South
Sacramento, CA 95825

Re: Broad Beach Restoration Project
SCH# 2011041052
CSLC Ref Files: EIR No. 756; R19710
W30182; W26420
Notice of Preparation of Draft Environmental Impact Report

Dear Ms. Spurr:

We represent owners of homes and property on Broad Beach Road, Malibu, and submit this letter in response to the Notice of Preparation ("NOP") of the Draft Environmental Impact Report ("DEIR") for the above-referenced Broad Beach Restoration Project (the "Project").

In short, the proposed Project involves sand replenishment, and other related measures, to Broad Beach in an effort to counter recent severe beach erosion. The NOP recognizes, however, that the sand replenishment will last only approximately seven to ten years at most, and will need to be performed again and again into the indefinite future.

The Project Description states that the Project will be funded through a Geological Hazard Abatement District (GHAD). Because most aspects of the Project are, by their nature, very temporary, the ongoing environmental impact of the Project will be dependent upon the continued cooperation of, and participation by, the GHAD. Yet, continued participation by the GHAD, and the property owners who must continually fund its existence, is essentially voluntary. This potentially renders the Project infeasible and its ongoing viability extremely uncertain. Accordingly, the DEIR should include alternatives that are not dependent upon a GHAD, and are not dependent upon purely private sources of funding such as by local property owners. Alternatives that include funding by state, local or other public sources, or by other sources or grants that are not dependent upon the voluntary cooperation of property owners, should be analyzed.

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The DEIR should investigate any physical or environmental necessity or benefit of, or harm caused by, the Project to the properties along its entire length. Broad Beach is not uniform. As one example, emergency revetments that were recently constructed were not necessary for the entire length of the Project, and the Project does not contemplate additional or expanded revetments. Property owners on Little Broad Beach Road are especially doubtful of the Project's environmental benefits to their properties. Furthermore, revetments and barriers in one area will increase erosion in another. Accordingly, we request that the DEIR not merely investigate the proposed Project's physical and environmental effects on and benefits to the entire proposed site as one uniform area, but rather specify the environmental impacts to Little Broad Beach, and other discrete zones, in particular.

The DEIR should include one or more Project Alternatives that modify the size and scope of the Project site. Specifically, one Alternative should reduce the Project site to exclude the Little Broad Beach properties.

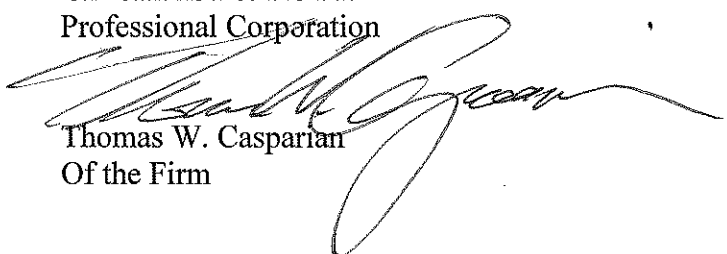
Furthermore, the exact boundaries of the GHAD have not been established. Especially where the Project is completely dependent upon the continuing viability of the GHAD far into the future, the Project description is uncertain and unstable without such specificity.

The NOP recognizes that greatly increased public access and use of Broad Beach will be one of the environmental impacts of the Project. The DEIR must analyze all related aspects of such increased usage and growth-inducing impacts, including parking, sanitary facilities and public facilities, especially on Broad Beach Road and its limited capacity therefore.

Finally, in order to sufficiently analyze Project Alternatives, the DEIR must correctly identify the *cause* of the beach erosion that the Project attempts to (temporarily) address. At least one Project Alternative must include a remedy of the cause of the recent, increased and as-yet unexplained reason for Broad Beach's erosion, and not merely a temporary remedy of its *symptoms*, as the Project does.

Sincerely,

GILCHRIST & RUTTER
Professional Corporation


Thomas W. Casparian
Of the Firm